

# SCHOOL DISTRICT SPECIAL EDUCATION LEVELS OF DETERMINATION

UNDER THE INDIVIDUALS WITH DISABILITIES  
EDUCATION ACT (IDEA)

**Meets Requirements**

**Needs Assistance**

**Needs Intervention**

**Needs Substantial Intervention**

## QUESTIONS AND ANSWERS

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# **SCHOOL DISTRICT LEVELS OF DETERMINATION QUESTIONS/ANSWERS**

The following are frequently asked questions and their answers regarding school district special education levels of determination.

**1-Q. ARE STATES REQUIRED TO MAKE  
“DETERMINATIONS”?**

Pursuant to 616(a)(1)(C)(i) and 300.600(a), States are required to make determinations annually under 616(d) on the performance of school districts.

**2-Q. MUST STATES USE THE SAME  
FOUR CATEGORIES THAT THE U.S.  
DEPARTMENT OF EDUCATION  
WILL USE?**

Yes; States must use Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention for school districts.

**3-Q. WHAT WILL THE STATE DEPARTMENT OF EDUCATION CONSIDER IN MAKING THE DETERMINATIONS?**

The Department could consider all school district information available at the time of the determinations, including the following:

- Noncompliance with the preschool requirements of in-by-3 – **Indicator 12**
- Correction of noncompliance identified by SEA monitoring and dispute resolution one year after notice to school district – **Indicator 15**
- Data submitted on time and valid/reliable – **Indicator 20.**
- Audit findings

Additional measures will be used in future years.

**4-Q. IS THERE A DEADLINE FOR STATES TO MAKE THE DETERMINATIONS FOR THEIR SCHOOL DISTRICTS?**

There is nothing in the statute or regulations that addresses a timeline for when States must make determinations regarding the

performance of the school districts in their States. However, States need to make the determinations as soon as possible after making their annual report to the public on the performance of each school district. It is important to ensure that school districts have time to improve performance prior to the next reporting to the State by each school district and the State's next determination point. In addition, there may be implications for the State's award of funds to school districts so the State would ideally make its determination before grants are issued or contracts are signed or renewed.

**5-Q. MUST STATES REPORT THE DETERMINATIONS OF EACH SCHOOL DISTRICT TO THE DEPARTMENT AND/OR THE PUBLIC?**

IDEA does not require States to report to the Department or to the public the determinations the State makes regarding the performance of each school district. States, of course, must inform each school district of the States' determination regarding that school district.

**6-Q. WILL THERE BE INFORMATION AND RESOURCES IF OUR SCHOOL DISTRICT IS IN LEVELS 2–4?**

Yes; the State Department of Education will provide sources of technical assistance to assist in correcting the problem(s) and noncompliance areas.

**7-Q. WILL THERE BE FISCAL REQUIREMENTS AVAILABLE FOR SCHOOL DISTRICTS IN LEVELS 3–4?**

The school district will be responsible for funding activities to correct their noncompliance issues.

**8-Q. CAN SCHOOL DISTRICTS WITH SIMILAR ISSUES WORK TOGETHER AND SHARE TECHNICAL ASSISTANCE RESOURCES?**

Yes; that approach is encouraged.

**9-Q. HOW LONG WILL SCHOOL DISTRICTS HAVE TO CORRECT NONCOMPLIANCE AREAS?**

No more than one year from being notified of a noncompliance area.

**10-Q. WILL A SCHOOL DISTRICT'S LEVEL OF DETERMINATION CHANGE IF THEY CORRECT A PROBLEM?**

No; the school district level of determination will occur annually.

**11-Q. CAN A SCHOOL DISTRICT APPEAL THEIR LEVEL OF DETERMINATION?**

The Department's decision will be final.

**12-Q. WILL THE MEASURES TO DETERMINE THE LEVELS CHANGE FROM ONE YEAR TO THE NEXT?**

Yes; additional indicators from the SPP will gradually be added.

**13-Q. WHAT IS THE "FOUNDATION" FOR THE MEASURES?**

Accurate and timely data. Unless the school district is submitting their data on time and it is valid and reliable, all else is suspect.

**14-Q. WILL HOW THE STATE MONITORS SCHOOL DISTRICTS BE IMPACTED BY A DISTRICT'S LEVEL?**

Yes; future on-site monitoring visits will be determined by Data and Performance. The State will put their resources where they are needed most.

**15-Q. WHERE CAN I GET MORE INFORMATION?**

For more information, contact the State Department of Education, Special Education Unit.